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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,569

Applicant(s)

HILL ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-43 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-14, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Eder (U.S. 6,321,205).

3. As per claim 1, Eder teaches a method for determining resource allocation, comprising:
- associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein a generic value stream that values the revenue of a business is associated with an industry, the value stream having a plurality of components);
- allocating, for at least one of the industry segments, expenditures for a time period to at least one of the plurality of generic value stream components for the industry segment (See at least figures 1, 14, and 15, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein the expenditures of a time period is assigned to at least one of the generic value stream components); and

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determining, for at least one of the industry segments, the amount of expenditures associated with the at least one of the plurality of generic value stream components relative to the total amount of expenditures for the at least one industry segment, the determination for use in determining the resource allocation (See at least figures 1, 14, and 15, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein the expenses are associated with the respective value stream components and used to determine the revenue and the amounts of capital for the current part of the industry (i.e. a company)).

4. As per claim 2, Eder teaches a method further comprising:

allocating, for at least one of the industry segments, a change in expenditures between at least two time periods to at least one of the plurality of generic value stream components for the industry segment (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein changes in the expenditures over time are tracked. Current valuations, with allocated expenditures, are compared to previous valuations);

determining, for at least one of the industry segments, at least one expenditure trend associated with the at least one of the plurality of generic value stream components based on the allocated change in expenditures for use in determining the resource allocation (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein changes in the expenditures over time are tracked. Current valuations, with allocated expenditures, are compared to previous valuations).

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5. As per claim 3, Eder discloses a method further comprising:

allocating revenue information for a time period to at least one of the industry segments, the revenue information selected from the group consisting of net sales and gross profits (See at least figures 2, 14, and 15 column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein revenue information is included for a time period which is selected from net sales and gross profits);

determining the resource allocation based on the allocated revenue information (See at least figures 2, 14, and 15 column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25).

6. As per claim 4, Eder teaches a method further comprising:

allocating a change in revenue between at least two time periods to at least one industry segment (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein changes in the expenditures over time are tracked. Current valuations, with allocated expenditures, are compared to previous valuations);

determining at least one revenue trend associated with the at least one industry segment based on the allocated change in revenues for use in determining the resource allocation (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-

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25, wherein changes in the expenditures over time are tracked. Current valuations, with allocated expenditures, are compared to previous valuations).

7. As per claim 5, Eder discloses a method further comprising:

allocating a plurality of operational variables with the generic value stream components (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25); and

determining at least one new operational variable associated with at least one of the generic value stream components based on the allocated expenditures (See at least column 11, lines 64-67, and column 12, lines 1-10, wherein an operational variable is identified as associated with a component).

8. As per claim 8, Eder discloses a method wherein the time period is one year (See at least figure 15, wherein the time period is one year).

9. As per claim 9, Eder teaches a system for facilitating resource allocation comprising:

a computer readable medium (See figures 1 and figure 3, and column 8, lines 1-30);

a database storing expenditures for a time period for a plurality of industry segments, the expenditures associated with at least one of a plurality of generic value stream components (See at least figures 1 and 2, column 8, lines 1-15 and 25-65, wherein a database that stores expenses for a time period is disclosed); and

a computer program stored on the computer-readable medium operable to display a desired portion of the database (See at least figures 1, 2, and 6C, column 8, lines 5-22 and 50-67, and column 9, lines 35-40).

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10. As per claim 10, Eder discloses a system wherein the desired portion is the entire database (See at least figures 1, 2, and 6C, column 8, lines 5-22 and 50-67, and column 9, lines 35-40, wherein the desired portion can include any or all of the entire database, based on the users input).

11. As per claim 11, Eder teaches a system wherein the database further stores changes in expenditures between at least two time periods for at least one of the plurality of industry segments, the change in expenditures associated with at least one of the plurality of generic value stream components (See at least figures 2 and 15, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein a change in expenditures between time periods is stored and tracked).

12. As per claim 12, Eder discloses a system wherein the database further stores revenue information for a time period for at least one of the plurality of industry segments, the change in revenue information selected from the group consisting of net sales and gross profits (See at least figures 2, 14, and 15 column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein revenue information is included for a time period which is selected from net sales and gross profits).

13. As per claim 13, Eder discloses a system wherein the database further stores a change in revenue information between at least two time periods for at least one of the plurality of industry segments, the change in revenue information selected from the group consisting of a change in net sales and a change in gross profit (See at least figures 2, 14, and 15 column 5, lines 12-30,

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column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein revenue information is included for a time period which is selected from net sales and gross profits).

14. As per claim 14, Eder discloses a system wherein the database further stores a plurality of operational variables associated with the generic value stream components (See at least figures 2 and 4, and column 8, lines 30-60).

15. As per claim 17, claim 17 is a system version of the method of claim 8, and is therefore rejected using the same art and rationale as applied above.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 6-7 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (U.S. 6,321,205).

18. As per claim 6, Eder discloses a plurality of generic value stream components which comprise sales and revenue components, a product delivered component, a product engineered component, a product manufactured component, product stored or distributed component, a selling component, and other components (See at least figures 2 and 4, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25). However, Eder does not expressly disclose the components of market identification, a customer aware of need, a customer finds

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product, a customer makes final selection, a customer orders product, a product installed, a customer pays for product, a customer uses product, a customer needs product help, a product is returned or exchanged, a product is repaired component, or a customer no longer needs.

Eder discloses a tool that values a business using value stream having a plurality of generic value stream components that are stored in a database, these components dealing with revenue, expenses, and capital. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the components listed above in the components disclosed by Eder and used for valuation in order to enhance the scope and scale of the analysis and valuation performed by incorporating all the factors that drive the financials of the business. See at least column 5, lines 10-30.

19. As per claim 7, Eder discloses a method wherein the plurality of industry segments are associated with a plurality of industries (See at least column 5, lines 1-15). However, Eder does not expressly disclose a utilities industry, a financial and transportation industry, a healthcare industry, a communication, entertainment, and media industry, or a products and retail industry.

Eder discloses a valuation system that is applicable to determine the value drivers of high technology industries, commercial industries, etc. Therefore, since the system of Eder is generic and applicable to all industries that have revenues and expenses, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the industries of utilities, financial and transportation, healthcare, communication, entertainment, and media, and products and retail in order to more efficiently perform the analysis of business drivers in each of these industries. See at least column 5, lines 10-30, which discusses the advantages of the system of Eder.

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20. As per claims 15-16, claims 15-16 are system versions of the method of claim 6-7, respectively, and are therefore rejected using the same art and rationale as applied above.

21. Claims 18-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (U.S. 6,321,205) in view of NAICs Association (www.naics.com).

22. As per claim 18, Eder discloses a method for determining resource allocation, comprising:

associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein a generic value stream that valuates the revenue of a business is associated with an industry, the value stream having a plurality of components);

allocating a change in revenue information between time periods to a first industry segment, the revenue information selected from the group consisting of net sales and gross profits (See at least figures 2, 14, and 15 column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein a change in revenue information is tracked and valued by the system. Revenue information is included for each time period which is selected from net sales and gross profits);

allocating user input to a second industry segment, wherein at least one of the user input is associated with the first industry segment (See at least figures 2, 14, and 15 column 5, lines

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12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein user input is registered in the database with respect to a second business and a first business in industry); and

determining a revenue information trend associated with the first industry segment based on the allocated change in revenue information for use in determining the resource allocation for the second industry segment (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein changes in the revenue and components over time are tracked. Current valuations, with allocated expenditures and revenues, are compared to previous valuations).

However, Eder does not expressly disclose the at least one user input being a North America Industry Classification System code.

NAICs Association discloses North America Industry Classification System codes associated with industry segment for use in valuations by businesses in industry segments (See at least page 4, sections 1 and 2, page 5, section 1, page 6, sections 1-3).

Both NAICs Association and Eder disclose using databases to plan and value the status of a business. It would have been obvious to one of ordinary skill in the art at the time of the invention to include North America Industry Classification System codes in the databases used by Eder to value the businesses in order to increase the scale and scope of the analysis performed by including all existing databases that are pertinent to the valuation. Eder disclose this and other advantages in column 5, lines 15-30.

23. As per claim 19, Eder teaches a method further comprising:

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allocating, for at least one of the industry segments, expenditures for a time period to at least one of the plurality of generic value stream components for the industry segment (See at least figures 1, 14, and 15, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein the expenditures of a time period is assigned to at least one of the generic value stream components); and

determining the amount of expenditures associated with the at least one of the plurality of generic value stream components relative to the total amount of expenditures for the industry segment, the determination for use in determining the resource allocation (See at least figures 1, 14, and 15, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein the expenses are associated with the respective value stream components and used to determine the revenue and the amounts of capital for the current part of the industry (i.e. a company)).

24. As per claim 20, Eder teaches a method further comprising:

allocating, for at least one of the industry segments, a change in expenditures between at least two time periods to at least one of the plurality of generic value stream components for the industry segment (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein changes in the expenditures over time are tracked. Current valuations, with allocated expenditures, are compared to previous valuations);

determining at least one expenditure trend associated with the at least one of the plurality of generic value stream components based on the allocated change in expenditures for use in determining resource allocation (See at least figure 2, column 5, lines 12-30, column 6, lines 20-

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25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein changes in the expenditures over time are tracked. Current valuations, with allocated expenditures, are compared to previous valuations).

25. As per claim 21, Eder teaches a method further comprising:

allocating revenue information for a time period to at least one of the industry segments, the revenue information selected from the group consisting of net sales and gross profits (See at least figures 2, 14, and 15 column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein revenue information is included for a time period which is selected from net sales and gross profits);

determining the resource allocation based on the allocated revenue information (See at least figures 2, 14, and 15 column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25).

26. As per claim 22, Eder teaches a method further comprising:

allocating a plurality of operational variables with the generic value stream components (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25); and

determining at least one new operational variable associated with at least one of the generic value stream components based on the allocated expenditures (See at least column 11,

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lines 64-67, and column 12, lines 1-10, wherein an operational variable is identified as associated with a component).

27. As per claim 23, Eder teaches a method wherein the time periods are each one year (See at least figure 15, wherein the time period is one year).

28. As per claim 24, Eder teaches a system for facilitating service resources allocation, comprising:

a computer-readable medium (See figures 1 and figure 3, and column 8, lines 1-30);

a database for storing a change in revenue information between time periods for a first industry segment, the revenue information selected from the group consisting of net sales and gross profits, and storing at least one input of the user (See at least figures 1 and 2, column 8, lines 1-15 and 25-65, wherein a database that stores expenses and revenue for a time period is disclosed, the information both extracted and input by the user. See at least figures 2, 14, and 15 column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein revenue information is included for a time period which is selected from net sales and gross profits); and

a computer program stored the computer-readable medium operable to display a desired portion of the database (See at least figures 1, 2, and 6C, column 8, lines 5-22 and 50-67, and column 9, lines 35-40).

However, Eder does not expressly disclose the at least one stored input being a North America Industry Classification System code associated with the first industry segment.

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NAICs Association discloses North America Industry Classification System code associated with the first industry segment for use in valuations by businesses in industry segments (See at least page 4, sections 1 and 2, page 5, section 1, page 6, sections 1-3).

Both NAICs Association and Eder disclose using databases to plan and value the status of a business. It would have been obvious to one of ordinary skill in the art at the time of the invention to include North America Industry Classification System codes in the databases used by Eder to value the businesses in order to increase the scale and scope of the analysis performed by including all existing databases that are pertinent to the valuation. Eder disclose this and other advantages in column 5, lines 15-30.

29. As per claims 25, 27, 28, 29, and 30, claims 25, 27, 28, 29, and 30 are claims with equivalent limitations to claims 10, 11, 12, 14, and 23, respectively, and are therefore rejected using the same art and rationale as applied above.

30. As per claim 26, Eder teaches a system wherein the database further stores expenditures for a time period for at least one of the industry segments, the expenditures associated with at least one of the plurality of generic value stream components (See at least figures 1, 2, and 6C, column 8, lines 5-22 and 50-67, and column 9, lines 35-40).

31. As per claim 31, Eder teaches a method for determining resource allocation, the method comprising:

associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein a generic value stream that values

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the revenue of a business is associated with an industry, the value stream having a plurality of components);

allocating, for a first industry segment, expenditures for a time period to at least one of the plurality of generic value stream components for the first industry segment (See at least figures 1, 14, and 15, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein the expenditures of a time period is assigned to at least one of the generic value stream components);

determining the amount of expenditures associated with the at least one of the plurality of generic value stream components relative to the total amount of expenditures for the at least one industry segment, the determination based on the allocated expenditures (See at least figures 1, 14, and 15, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein the expenses are associated with the respective value stream components and used to determine the revenue and the amounts of capital for the current part of the industry (i.e. a company)); and

identifying the generic value stream component for the first industry segment having the highest percentage of expenditures (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein a generic value stream that values the revenue of a business is associated with an industry, the value stream having a plurality of components).

However, Eder does not expressly disclose identifying a second industry segment based on the generic value stream component having the highest percentage of expenditures.

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NAICs Association disclose identifying a second industry segment based on a generic value stream component to gain a perspective on target markets based on the stored data (See page 4, sections 1 and 2, page 5, section 1, and page 6, sections 1 and 2, wherein a database exists of data associated with industry segments wherein a company can target market using this information).

Both NAICs Association and Eder disclose using databases to plan and value the status of a business. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the market insight of NAICs Association in the databases used by Eder in order to increase the accuracy of making future predictions for the businesses by utilizing data about the industries with which the business interacts. Eder disclose this and other advantages in column 5, lines 15-30.

32. As per claims 32, 33, 35, and 36, claims 32, 33, 35, and 36 are method claims with equivalent limitations to the method of claims 20, 21, 22, and 23, respectively, and are therefore rejected using the same art and rationale as applied above.

33. As per claim 34, Eder teaches a method further comprising:

allocating a change in revenues between at least two time periods to at least one of the industry segments (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein changes in the expenditures over time are tracked. Current valuations, with allocated expenditures, are compared to previous valuations);

determining at least one revenue trend associated with the at least one industry segment based on the allocated change in revenues for use in determining the resource allocation (See at

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least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein changes in the expenditures over time are tracked. Current valuations, with allocated expenditures, are compared to previous valuations).

34. As per claim 37, discloses a system for facilitating resource allocation, comprising:
a computer-readable medium (See figures 1 and figure 3, and column 8, lines 1-30);
a database storing expenditures for a time period for a first industry segment, the expenditures associating with at least one of a plurality of generic value stream components (See at least figures 1 and 2, column 8, lines 1-15 and 25-65, wherein a database that stores expenses for a time period is disclosed); and

a computer program stored on the computer-readable medium operable to determine the amount of expenditures associated with the at least one of the plurality of generic value stream components relative to the total amount of expenditures for the at least one industry segment, the computer program further operable to identify the generic value stream component for the first industry segment having the highest percentage of expenditures, and display a desired portion of the database (See at least figures 1, 2, 6C, 14, and 15, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 5-22 and 50-67, column 9, lines 35-40, column 11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein the expenses are associated with the respective value stream components and used to determine the revenue and the amounts of capital for the current part of the industry (i.e. a company). Portions of the database are displayed using the disclosed computer program. (See at least figure 2, column 5, lines 12-30, column 6, lines 20-25 and 43-50, column 8, lines 26-62, column 10, lines 1-5 and 40-50, column

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11, lines 5-17, 23-50, and 64-67, and column 12, lines 5-25, wherein a generic value stream that values the revenue of a business is associated with an industry, the value stream having a plurality of components).

However, Eder does not expressly disclose identifying a second industry segment based on the generic value stream component having the highest percentage of expenditures.

NAICs Association disclose identifying a second industry segment based on a generic value stream component to gain a perspective on target markets based on the stored data (See page 4, sections 1 and 2, page 5, section 1, and page 6, sections 1 and 2, wherein a database exists of data associated with industry segments wherein a company can target market using this information).

Both NAICs Association and Eder disclose using databases to plan and value the status of a business. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the market insight of NAICs Association in the databases used by Eder in order to increase the accuracy of making future predictions for the businesses by utilizing data about the industries with which the business interacts. Eder disclose this and other advantages in column 5, lines 15-30.

35. As per claims 38-42 and 43, claims 38-42 and 43 are system claims with equivalent limitations to the system of claims 10-14 and 17, respectively, and are therefore rejected using the same art and rationale as applied above.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krist et al. (U.S. 6,038,540) teaches an interactive optimizing module for determining process variables.

Eder (U.S. 6,393,406) discloses a valuing tool for a business enterprise based on components stored in a database.

Sanders (U.S. 6,411,936) teaches an enterprise value enhancement system.

Ferriter et al. (U.S. 4,875,162) discloses a tool that is used to design products.

"New Code System in NAICs" (www.census.gov) teaches the NAICs codes and the uses of these codes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



bvd

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